

201412317
Willie Artiles

After leaving a deli in upper Manhattan, a man was approached by two officers who threw him to the ground and, according to his statement, punched him in the face. They handcuffed him and pulled him to a standing position. When he asked why he had been stopped, they asked what he had thrown to the ground, and he responded that he had not thrown anything to the ground. The officers searched the ground for the allegedly thrown object. According to the man, Detective Artiles, who was leading the search, identified himself as one officer who had executed a search warrant on the man's mother's apartment a few summers before. After the man was handcuffed and searched, and no contraband was found, he was allowed to leave. He went to the hospital where he underwent a CAT scan.

When interviewed, Detective Artiles stated that he observed the man make a hand-to-hand exchange with someone and that when Detective Artiles started to pursue the man, he threw something away. Detective Artiles acknowledged that he looked for it but did not find any contraband. Detective Artiles confirmed that he took the man to the ground and handcuffed him but stated he used no force beyond the force needed to bring the man to the ground.

The CCRB found that Detective Artiles used excessive force and abused his authority in arresting the man. It also found that he made a false official statement in his CCRB interview.

It is not clear from the interview statements what the basis of the false official statement was, but the man who was arrested testified that he went to the hospital so his medical records, which are not subject to FOIL, could have contradicted Detective Artiles's testimony.

Detective Artiles was found not guilty after a departmental trial. He was not punished by the NYPD for the incident.

Interview Details

January 2, 2015

201412317

1:07 p.m. — 1:35 p.m.

- [REDACTED] a black male who is 5'7" tall, weighs 156 pounds, with brown hair and brown eyes, was [REDACTED] years old at the time of the incident.

CCRB Statement

[REDACTED] was interviewed at the CCRB on January 2, 2015.

On December 10, 2014, at approximately 5:00 p.m., [REDACTED] was inside a deli, located on [REDACTED] in Manhattan. [REDACTED] was inside the deli for a short amount of time with his girlfriend, [REDACTED] and a friend, [REDACTED]. While inside the store, [REDACTED] bought a cigar and some junk food.

After exiting the deli, [REDACTED] and [REDACTED] began walking north on [REDACTED] towards the projects. [REDACTED] was on his way home and was walking in the same direction, although he was walking in front of [REDACTED] and [REDACTED]. While walking, [REDACTED] was holding a cigarette, but he had not lit it yet and was not smoking it. [REDACTED] believed that [REDACTED] was holding the bag from the deli. [REDACTED] did not drop anything while walking. He did not make any physical contact with either [REDACTED] or [REDACTED].

Two plainclothes officers, PO1 and PO2, began running towards [REDACTED]. PO1 was described as a white man, approximately 6'0" tall, with a muscular build, dressed in blue jeans and a blue or black jacket. PO2 was described as a Hispanic, possibly Dominican, man, approximately 5'6"-5'7" tall, with a thin build and reading glasses, dressed in blue jeans and a blue or black jacket. [REDACTED] ran across the street, heading east, because he knew there were cameras on the tenement buildings located there. The two officers grabbed [REDACTED] by the front of his shirt and threw him onto the ground. [REDACTED] landed on his stomach. PO1 knelt down on the ground next to [REDACTED] and punched him in the face with a closed fist more than five times. PO1 then stood up. PO1 and PO2 began kicking [REDACTED] in the face, head, stomach, and back and stomping on it. The officers kicked and punched him for approximately 15 to 20 minutes.

While being assaulted, [REDACTED] screamed at PO1 and PO2, asking what they were doing and what the assault was for. PO1 told [REDACTED] to shut up and that he knew what it was for. [REDACTED] asked again what the officers were doing and told them that he had asthma and an enlarged prostate. While on the ground, [REDACTED] did not attempt to move because he was unable to move. [REDACTED] had his hands in front of his face to protect himself. When the officers approached [REDACTED], [REDACTED] stopped and looked back, but did not get involved. [REDACTED] was watching from the street but left after a short time. [REDACTED] believed she went to call his nephew, who was an officer.

While [REDACTED] was on the ground, he observed two more plainclothes officers, PO3 and PO4, arrive in a gray minivan with a black rack on top. PO3 was described as a white man, approximately 6'0" tall, with a muscular build, dressed in blue jeans and a dark jacket. PO4 was described as a white man, approximately 6'0" tall with a muscular build, dressed in blue jeans and a dark jacket. PO3 and PO4 jumped out of the van and started talking to a group of approximately four to five people who were standing on the corner, approximately 12 to 15 feet away from [REDACTED]. The officers either grabbed the bystanders and physically moved them around the corner or told them to leave so they could not witness what was occurring. [REDACTED] could not hear anything the officers were saying. He could only see "a little bit," but believed that they went through the bystanders' pockets or searched one man's shopping bag. [REDACTED] believed they searched the bag of his friend, [REDACTED]. [REDACTED] did not speak to any of the bystanders. None of the bystanders tried to interfere with PO1 or PO2.

PO1 picked [REDACTED] up by the back of his pants, causing the snap on the front of his pants to pop open. PO1 placed [REDACTED] in handcuffs and then searched him. PO1 searched through [REDACTED] pants and jackets pockets, including by unzipping his jacket and searching the interior pockets. PO1 removed [REDACTED] identification and wallet and either threw or placed it on a parked car. PO1 then frisked [REDACTED] over his clothing in his genital region. PO1 touched [REDACTED] genitals and asked, "What is this?" [REDACTED] told PO1, "That's my private." PO1 repeated the action and asked the question several times. PO1 and PO2 both made jokes about it and laughed. [REDACTED] did not consider the action to be sexual in nature.

Interview Details

While searching [REDACTED] PO1 and PO2 questioned [REDACTED]. They asked him what he threw on the ground. [REDACTED] asked what they meant and asked them to show him anything that he had thrown on the ground. The officers went into the street and looked around but did not find anything. PO1 and PO2 also asked [REDACTED] what he had had in his hand. [REDACTED] told them that he had been holding a cigarette and took it out of his pocket. The officers insisted that he had thrown something and [REDACTED] repeated that he had not. The officers also said that [REDACTED] had passed something to some guy. [REDACTED] asked where the man he had supposedly passed an object to was.

During this questioning, PO1 said, "We didn't know that was you, we been looking for you." When [REDACTED] questioned why the officers had been looking for him, PO1 told [REDACTED] that the officers had been the ones who raided his mother's apartment ([REDACTED]) a few summers earlier.

PO1 took the handcuffs off [REDACTED] and told him, "Today's your lucky day, get out of here." [REDACTED] told PO1 and PO2 that his nephew is an officer. PO1 had his memo book out and [REDACTED] believed that he wrote down the nephew's name. [REDACTED] asked PO1 and PO2 twice, "Can I get y'all name and badge numbers?" The officers were standing directly in front of [REDACTED] when he made his request. Both officers told [REDACTED] "Yeah, you can get it," before they jumped into the gray minivan driven by PO3 and PO4 and left the location. The entire incident took approximately thirty minutes.

[REDACTED] then went upstairs to his friend's apartment, located in his mother's old building. [REDACTED] went to get a Metro Card in order to go to the hospital. [REDACTED] went back downstairs and then passed out in front of the building, approximately thirty to forty minutes after the encounter with the officers. An unknown Spanish man sat [REDACTED] on a bench and called an ambulance. [REDACTED] was transported to [REDACTED] Hospital, where he underwent a CAT scan. Officers from the 24th Precinct Stationhouse came to the hospital and made a report. They told [REDACTED] that the officers in question were not from their stationhouse, but were from the East Side or uptown.

[REDACTED] sustained a lump behind his left ear, a bruise on his stomach, and swelling to his legs. He went for a follow up appointment at [REDACTED].

Interview Details

February 2, 2015
201412317
Det. Willie Artiles
10:24 a.m. – 10:52a.m.

- Det. Artiles, a Hispanic man who is 6'0" tall, 195 pounds, with black hair and brown eyes, was 33 years old at the time of the incident.
- Det. Artiles worked from 11:27 a.m. to 8:00 p.m., as the arresting officer conducting buy and busts for the Narcotics Borough Manhattan North with Lt. Quiros. He was dressed in plainclothes and assigned to vehicle number [REDACTED]

Memo Book

Det. Artiles did not have any entries in his memo book regarding the incident. However, he did have information pertaining to the incident written on the fly sheet of his memo book.

Wed 12/10/14 Stopped two males at [REDACTED] Blk jacket & gray hoodie. [REDACTED]
[REDACTED] Blk coat.

CCRB Statement

On December 10, 2014, at approximately 5:00 p.m., Det. Artiles was in the vicinity of [REDACTED]. Det. Artiles was on foot doing enforcement in the area because Narcotics Borough Manhattan North receives a number of narcotics complaints from the area and they have made a lot of arrests in the vicinity for cocaine and marijuana. Det. Artiles has been in Narcotics Borough Manhattan North for seven years and has made over 20 arrests during that time.

At the time, the lighting conditions were dark, with only artificial light coming from streetlights. Det. Artiles' attention was first drawn to [REDACTED] when [REDACTED] spoke to an undercover in the courtyard of [REDACTED]. Det. Artiles observed the interaction between the undercover, who was, to his knowledge, trying to make a purchase in the area, and [REDACTED]. As [REDACTED] walked away, Det. Artiles saw his face and recognized him. Det. Artiles had arrested [REDACTED] once before, on an unknown date, and had participated in the execution of two search warrants for his apartment. Det. Artiles did not recall the address where those warrants were executed. Det. Artiles had also received complaints about [REDACTED] several years earlier.

Det. Artiles observed [REDACTED] for a few minutes before he observed [REDACTED] cross the street and approach [REDACTED] on the corner of [REDACTED]. Det. Artiles initially did not observe any verbal or physical interaction between [REDACTED] and [REDACTED]. Det. Artiles observed what appeared to him to be a hand-to-hand transaction between [REDACTED] and [REDACTED]. Det. Artiles observed [REDACTED] pass an object to [REDACTED] with a closed fist and [REDACTED] pass an object to [REDACTED] with a closed fist. Det. Artiles could not see the object clearly because he was across the street and there were two lanes of traffic separating them. Det. Artiles only observed objects, not currency, being exchanged. In Det. Artiles' training, this behavior would indicate a hand-to-hand exchange. At that time, Det. Artiles did not suspect [REDACTED] of any other criminality.

As soon as the encounter took place, [REDACTED] left the location while [REDACTED] remained where he was. Det. Artiles was by himself at that point, which is why he did not stop the two men. He put a description of the two men over the radio to the field team.

[REDACTED] began to walk south on [REDACTED] on the east side of the street. Det. Artiles lost sight of [REDACTED] for a few seconds when [REDACTED] reached [REDACTED]. Det. Artiles radioed the field team and provided descriptions of [REDACTED] and [REDACTED] where [REDACTED] was heading, and [REDACTED] location. Det. Artiles did not observe [REDACTED] enter any store. When he reappeared, [REDACTED] was accompanied by a female. There was no one else walking with [REDACTED] and the female. [REDACTED] was not holding anything in either hand. [REDACTED] and the female began walking north on [REDACTED] on the west side of the street. Det. Artiles was also on the west side of the street.

Det. Artiles was approximately five feet away from [REDACTED] and prepared to approach him. Det. Artiles said, "Police," and reached out both hands to grab [REDACTED]. Det. Artiles did not issue any orders or commands. Det. Artiles did not consider [REDACTED] under arrest at that point. [REDACTED] looked at Det. Artiles, appeared to recognize him, and began to run. [REDACTED]

Interview Details

crossed to the other side of [REDACTED] while running. Det. Artiles did not know where [REDACTED] was running, but believed it was away from him. At that point, Det. Alvarez, a part of the field team, was already across the street. As he ran across the street, [REDACTED] had his right hand down at his side and raised his left hand up to the side of his face. He was making a closed fist with his left hand and holding something. Det. Artiles observed [REDACTED] throw an item under a car. Det. Artiles was only a few steps behind [REDACTED] and observed an object leave his hand. Det. Artiles could not describe the object or its color. It was approximately one inch in size.

After [REDACTED] crossed the street, he continued to run and did not stop until Det. Artiles and Det. Alvarez stopped him by grabbing him and taking control of him. [REDACTED] was flailing his arms and twitching his body, moving it side to side. Det. Artiles and Det. Alvarez placed [REDACTED] up against a car. Because he was twitching his body and refusing to be placed in handcuffs, they brought him down to the ground. Det. Artiles held one arm while Det. Alvarez held the other. [REDACTED] was placed on the ground on his stomach and told to stop resisting arrest and to put his hands behind his back. Det. Artiles and Det. Alvarez placed [REDACTED] hands together and placed him in handcuffs. Det. Artiles did not recall who placed the handcuffs on [REDACTED]. [REDACTED] did not make any statements while he was being placed in handcuffs. Once [REDACTED] was placed in handcuffs, Det. Artiles considered him to be in custody. Because [REDACTED] was placed in handcuffs, the situation was not a stop-and-frisk, where a UF 250 would be prepared. Instead, a voided arrest is always prepared when someone is suspected of a crime and placed in handcuffs.

[REDACTED] was brought up from the ground. Det. Artiles frisked [REDACTED] by touching his waistband area and the collar of his shirt. The purpose of the frisk was to see if [REDACTED] had any weapons. Det. Artiles had no indication from the encounter that [REDACTED] had a weapon. Det. Artiles had not observed anything prior to the frisk which indicated that [REDACTED] had a weapon. Det. Artiles then searched the pockets of [REDACTED] pants, jacket, and hood. The purpose of the search was to see if [REDACTED] had any narcotics or weapons on him. Det. Artiles did not recall whether he recovered anything from [REDACTED]. While [REDACTED] was being frisked and searched, Det. Alvarez was standing next to him. Det. Alvarez did not participate in the frisk or search.

Det. Artiles then searched for the item [REDACTED] had thrown. He went back to the area where [REDACTED] had begun running and searched the sidewalk, the street, and underneath cars, up to the point where [REDACTED] had been placed in handcuffs. Det. Artiles did not recover anything from the street. He attributed that to the fact that there was snow on the ground and it was windy that day. [REDACTED] remained standing in handcuffs next to Det. Alvarez while Det. Artiles searched. If drugs had been recovered during the search of [REDACTED] or the street, Det. Artiles would have considered [REDACTED] under arrest at that point in time.

Lt. Quiros, Det. Artiles' supervisor, arrived at the location. Det. Artiles removed the handcuffs from [REDACTED] and took down his information. Det. Artiles did not have any interaction with [REDACTED]. Det. Artiles did not participate in the search of [REDACTED] but heard about it. Det. Rosario responded to Det. Artiles' radio transmission about [REDACTED]. After the handcuffs had been removed from [REDACTED], Det. Rosario arrived and provided [REDACTED] information to Det. Artiles. Det. Artiles did not know if any other officers assisted Det. Rosario. During that period, [REDACTED] was not making any statements or complaining about anything.

After the handcuffs had been removed from [REDACTED], Det. Artiles had a general conversation with him and cracked a few jokes because they had a history. Det. Artiles commented that [REDACTED] looked slim and like he had lost weight. [REDACTED] told Det. Artiles that he had cancer. Det. Artiles apologized and asked if [REDACTED] was okay or if he wanted to go to a hospital. [REDACTED] told him no. Det. Artiles also made conversation with [REDACTED] about his mother or grandmother, with whom he was living when Det. Artiles participated in the search warrants.

Det. Artiles did not hear [REDACTED] complain of any injury. He did not observe any injuries on [REDACTED]. He did not hear [REDACTED] request medical attention from anyone at the location. [REDACTED] did not ask for Det. Artiles' or Det. Alvarez's names or shield numbers. Det. Artiles did not refuse to provide his name and shield number to [REDACTED]. Det. Artiles did not hear any officer refuse to provide their name or shield number to [REDACTED]. Aside from the force used to bring [REDACTED] to the ground and place him in handcuffs, Det. Artiles did not use any additional force against him. Aside from the force used to bring [REDACTED] to the ground and place him in handcuffs, Det. Artiles did not witness any officer use additional force against him.

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Det. Artiles observed [REDACTED] walk away from the location with the same female who had accompanied him earlier. Det. Artiles did not know if she had remained in the vicinity the whole time. The whole encounter lasted approximately ten minutes. The detectives then entered one of their vehicles and left the location. Det. Artiles did not know which vehicle he entered. The field team continued their buy and bust operations because they still had undercover in the vicinity. Det. Artiles went to the stationhouse later that day to fill out paperwork. Det. Artiles used the information from his fly sheet to prepare voided arrests for [REDACTED] and [REDACTED].

Det. Artiles was unaware that a UF-49 had been prepared. He believed that the only paperwork completed were the voided arrests and his memo book entry. Det. Artiles was aware that [REDACTED] was interviewed at a hospital by IAB and that IAB had not taken the case. IAB called Det. Artiles' command, asked for the voided arrest paperwork and memo book, and told him the case would be referred to the CCRB. Det. Artiles was not interviewed by IAB and no GO-15s were created.

Interview Details

February 5, 2015
201412317
Lt. Antonio Quiros
11:23 a.m. – 11:49a.m.

- Lt. Quiros, a Hispanic man who is 5'8" tall, 185 pounds, bald with brown eyes, was 45 years old at the time of the incident.
- Lt. Quiros did not have his memo book during the interview and noted that he worked from 1:00 p.m. to 9:00 p.m. as the Team Leader for Narcotics Borough Manhattan North, with several officers, including Det. Artiles, Det. Rosario, and two undercover officers. When shown a copy of the tactical plan, he also noted that he worked with Det. Alvarez, Det. Infante, Det. Bonilla, and Det. White. Lt. Quiros was dressed in plainclothes and assigned to an unmarked vehicle (noted as # [REDACTED] on the tactical plan).

Memo Book

Lt. Quiros did not have his memo book during the interview, but recalled that he did have entries related to the incident.

A previously obtained copy of his memo book yielded:

Wednesday 12/10/14 Tour 1135X2000 Assignment 20/24 Module Commander

1600: 84 in v/o [REDACTED] with undercover

1625: Voided 2 arrests [REDACTED] and [REDACTED] (VOIDS)

CCRB Statement

On December 10, 2014, at approximately 5:00 p.m., Lt. Quiros was seated inside his unmarked vehicle in the vicinity of [REDACTED]. With him was Det. Artiles, a member of his team, and Det. Moroney, who is from a different team at the same command and was a last minute addition to the tactical plan. Det. Alvarez, another member of the team, was in the chase car. At that point, it was beginning to get dark and there was artificial lighting on the street from streetlamps. The weather was cold and it was snowing. There were only a few people on the street.

Lt. Quiros had undercover officers in the vicinity of [REDACTED]. Det. Artiles received a communication from an undercover in the area that an individual, later identified as [REDACTED] was engaging in possible drug transactions. Lt. Quiros did not recall exactly what was put over the communication, but recalled that the undercover officer "stepped" to [REDACTED] and engaged in a drug conversation with him, but that [REDACTED] was "not feeling" the undercover officer. [REDACTED] and the undercover officer talked for several minutes. The undercover officer then walked away and contacted Det. Artiles. [REDACTED] is known to members of the team due to past encounters.

The undercover officer did not say if [REDACTED] was attempting to buy anything or if he made any hand-to-hand transaction with the undercover officer at that point. The undercover officer did not request that Det. Artiles go to his location. Lt. Quiros initially stated that he had Det. Artiles exit the vehicle to gain a better vantage point of the location where [REDACTED] was, but later stated that he did not instruct Det. Artiles to go and see what was going on and that Det. Artiles made the decision himself to exit the vehicle. Before leaving, Det. Artiles told Lt. Quiros that he was going to watch [REDACTED]. Lt. Quiros and Det. Moroney remained in the vehicle. As the incident occurred towards [REDACTED] Det. Artiles walked eastbound on [REDACTED].

Within five minutes, Det. Artiles came over the radio and stated that [REDACTED] had just touched hands with another person, later identified as [REDACTED] before the two men separated. Det. Artiles did not articulate having seen any object. Det. Artiles stated that he was going to stop [REDACTED] and communicated to the other chase car that they should stop [REDACTED]. Lt. Quiros did not instruct Det. Artiles to stop [REDACTED]. Det. Artiles made the decision to stop [REDACTED] himself. Because Det. Artiles had communicated over the radio, all the members of the team could hear each other. Lt. Quiros was aware that the other chase car had been instructed to stop [REDACTED]. Det. Artiles transmitted the same information to both Lt. Quiros and the chase car. He provided a description, that both individuals were Hispanic males. Det. Artiles also provided a clothing description, which Lt. Quiros did not recall. Det. Artiles did not provide the names of either man over the radio. [REDACTED] was wearing a hood or a hat, and it was only after it was removed that [REDACTED] was recognized from his prior arrest.

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Lt. Quiros exited the vehicle and responded to Det. Artiles' location. He observed [REDACTED] in handcuffs. Det. Artiles was taking [REDACTED] pedigree information. Lt. Quiros initially stated that Det. Alvarez and Det. Rosario were with Det. Artiles and [REDACTED] but then stated that only Det. Alvarez was with Det. Artiles and [REDACTED]. Det. Rosario, Det. Infante, Det. White, and Det. Bonilla were standing on another corner with [REDACTED]. Lt. Quiros did not personally recognize [REDACTED] when he saw him. [REDACTED] was not making any movements or trying to get away. [REDACTED] was not making any statements, aside from providing his pedigree information. Det. Alvarez was standing behind and not interacting with [REDACTED].

LBA Rep Altani asked if Lt. Quiros learned anything about what had happened between the decision to stop [REDACTED] and his being placed in handcuffs. No additional information was transmitted over the radio. Prior to arriving, Lt. Quiros was only aware that Det. Artiles was planning to stop [REDACTED] and that [REDACTED] had been placed in handcuffs. After Lt. Quiros arrived at the location, Det. Artiles told him that, when Det. Artiles approached [REDACTED] following the observed interaction between [REDACTED] and [REDACTED]. Det. Artiles said, "Police," and that [REDACTED] ran across [REDACTED]. Det. Artiles gave a brief chase, caught [REDACTED] across the street, and brought him to the ground. Det. Artiles told Lt. Quiros he had to basically tackle [REDACTED] because [REDACTED] had run away from him. Aside from running away, [REDACTED] was not resisting in any way or doing anything that constituted resisting arrest, as far as Lt. Quiros was aware. Det. Artiles brought [REDACTED] back up, searched him, and was then taking his pedigree information.

At the point where Lt. Quiros arrived at the location, [REDACTED] had already been searched. Det. Artiles told Lt. Quiros that the search had been negative. Lt. Quiros did not recall who searched [REDACTED]. Det. Artiles told Lt. Quiros that they had also searched the area and underneath cars. Det. Artiles told Lt. Quiros that he believed he had seen [REDACTED] throw something underneath one of the cars. Det. Artiles observed [REDACTED] hands in a throwing position or motion, which led him to believe that [REDACTED] might have thrown something. Det. Artiles did not describe the object. As a result, after Det. Artiles caught [REDACTED] brought him to the ground, and handcuffed him. Det. Artiles searched [REDACTED]. When he did not find anything, Det. Artiles searched the area and did not find anything.

Lt. Quiros told Det. Artiles that if they did not find any contraband, in the form of drugs or weapons, to "cut him [REDACTED] loose" and that they would void the arrest back at the stationhouse. Lt. Quiros still had undercover officers in the field and he wanted to return to them. [REDACTED] did not make any statements after the handcuffs were removed.

The other detectives on the team were around the corner, dealing with [REDACTED]. Lt. Quiros could not observe what was occurring at the secondary location. Lt. Quiros never went around the corner or talked to the other detectives. Lt. Quiros did not know if [REDACTED] was searched, but stated that detectives did not find anything on him. [REDACTED] was released at the same time as [REDACTED]. Lt. Quiros did not know who made the decision to release [REDACTED]. Det. Rosario told Lt. Quiros [REDACTED] name. After [REDACTED] and [REDACTED] had been released, Lt. Quiros instructed the detectives to get back into the cars and pay attention to their radios and the undercover officers. Lt. Quiros had no further interaction with [REDACTED] or [REDACTED].

No other civilians witnessed or interfered during the incident. Lt. Quiros did not observe any injuries on [REDACTED]. Lt. Quiros did not hear [REDACTED] complain of any injuries. [REDACTED] did not request medical attention. All of the detectives were wearing their shields, prominently displayed and visible. Lt. Quiros did not hear [REDACTED] ask Det. Artiles or Det. Alvarez for their names or shield numbers. Lt. Quiros did not hear Det. Artiles or Det. Alvarez refuse to provide their names or shield numbers to [REDACTED]. Lt. Quiros did not hear any detective refuse to provide their name or shield number to [REDACTED]. Lt. Quiros did not witness any force being used against [REDACTED]. At LBA Rep Altani's prompting, Lt. Quiros clarified that he never made physical contact with [REDACTED] or [REDACTED].

Lt. Quiros initially stated that the only paperwork prepared was the voided arrest paperwork. When asked about a UF 49, he stated that there was one prepared, but he believed patrol had prepared it. Lt. Quiros always prepares voided arrest paperwork whenever someone is placed in handcuffs and detained, because the individual is not free to leave once they are in handcuffs. Lt. Quiros does not prepare UF 250 forms in these cases, because once handcuffs are placed on an individual, they are technically under arrest at that point. However, if nothing is found on that individual, the arrest is then voided. Because [REDACTED] was in handcuffs when Lt. Quiros arrived at the location, Lt. Quiros considered him to be "detained upon further investigation" to see if they could find any narcotics on his person or in the area. Because the detectives could not find anything, the arrest was voided.

Interview Details

When asked to clarify if Lt. Quiros considered [REDACTED] under arrest because he was detained and in handcuffs at that point, LBA Rep Altani asked for a break. The record was paused at 11:45 a.m.

The record was unpaused at 11:49 a.m. with all parties still present. Lt. Quiros stated that when he approached [REDACTED] and saw him in handcuffs, he considered him to be in custody and under arrest. Lt. Quiros attributed that to the fact that [REDACTED] had allegedly engaged in a hand-to-hand transaction and had showed behavior indicative of resisting arrest by running from Det. Artilles after Det. Artilles identified himself as an officer. Lt. Quiros stated that [REDACTED] running, after Det. Artilles identified himself as an officer, was considered resisting arrest because he was trying to avoid the police. Lt. Quiros stated that Det. Artilles was attempting to place [REDACTED] under arrest when he initially approached him and that Det. Artilles indicated this to Lt. Quiros in a later conversation, since Lt. Quiros was not present when the initial encounter occurred.

Interview Details

January 30, 2015

201412317

██████████

10:24 p.m. — 10:48 a.m.

- ██████████ a Hispanic male who is 5'9" tall, weighs 210 pounds, with black hair and brown eyes, was ████████ years old at the time of the incident.

CCRB Statement

██████████ was interviewed at ██████████.

On December 10, 2014, at approximately 5:00PM, ██████████ was inside a grocery store, located at ██████████ and ██████████ in Manhattan. While inside the store, ██████████ saw ██████████ and his girlfriend, ██████████ [known to the CCRB as ██████████] bought chips and a soda inside the store and ate them there. ██████████ did not see if ██████████ or ██████████ bought anything while inside the store.

██████████ exited the store at the same time as ██████████ and ██████████ was not holding anything in his hands. ██████████ did not recall whether ██████████ was carrying anything. ██████████ might have been carrying a bag from the store. ██████████ was not sure if ██████████ had anything in his hands. As soon as they exited the store, ██████████ made physical contact with ██████████ by slapping his hands and briefly interlocking their fingers, in order to say goodbye to each other. ██████████ and ██████████ did not have any conversation. ██████████ did not shake ██████████ hand.

As they left the store, ██████████ began walking north on ██████████ towards his house, which is located on ██████████. ██████████ was walking in front of ██████████ and ██████████ who were walking north on ██████████ in order to reach their house, which is located in the "projects" between ██████████. ██████████ did not stop to talk to anyone while he was walking. ██████████ did not make shake hands, high five, or make physical contact with anyone while he was walking. ██████████ did not observe ██████████ make physical contact with anyone while walking.

As ██████████ passed ██████████, he observed two plainclothes officers standing with four individuals on ██████████ between ██████████ under scaffolding [██████████ initially stated that he saw three individuals but, when prompted, remembered a fourth]. ██████████ was approximately ten feet away from the group. PO1 was described as a Hispanic man in his 30s, approximately 5'7" to 5'8" tall, with a stocky build, wearing a knit, or skull, cap. PO2 was described as a clean-shaven light-skinned man in his 30s, approximately 6'1" tall, with a skinny build. ██████████ recognized the four men as being from the neighborhood. He identified them as ██████████ [who lives on ██████████ ██████████], ██████████, ██████████, and ██████████, also known as "██████████". ██████████ was not sure if he had seen them earlier in the day.

██████████ was in handcuffs. ██████████ could not see if the other three were in handcuffs. ██████████ did not observe either officer making physical contact with any of the men. He believed that they had already been searched, but did not observe any search take place. There was a conversation occurring, but ██████████ could not hear what was being said. ██████████ knew that none of the men were arrested, because he saw them later that day. At that point, ██████████ was still walking behind ██████████ and preparing to cross ██████████ to walk towards his home. Approximately two minutes had passed from when ██████████ had exited the store.

As soon as ██████████ crossed ██████████, he heard someone yelling, "What the fuck you all doing?" ██████████ turned around immediately and saw a gray or silver Kia minivan. ██████████ did not observe any markings or writing on the minivan. When ██████████ had been crossing ██████████, the minivan had not been there. He assumed that it had just arrived and that it had come from ██████████. ██████████ did not observe any officers exit the van.

██████████ was approximately 20 to 30 feet away from ██████████. ██████████ observed two male plainclothes officers, PO3 and PO4, "tussling" with ██████████. All three men were on the ground. ██████████ could not describe the officers, except that they were wearing winter hats. The officers were trying to get something from ██████████ and were touching him in the area of his waist and his pants pockets. While the officers were making contact with ██████████ they were not grabbing onto him. ██████████

Interview Details

█████ did not observe the officers reach into █████ pockets or take anything out of his pockets. █████ moved his arms around but did not make any other movements. The officers asked █████ something to the effect of, did he have anything on him. █████ stated something to the effect that he did not have anything. █████ was not making any other statements. █████ did not hear █████ state that he was injured.

█████ observed the encounter for approximately three to four minutes. The officers were making contact with █████ the entire time. █████ did not know where █████ was during the encounter. █████ did not hear the officers identify themselves as officers. █████ observed the officers put handcuffs on █████ remained on the ground the entire time that █████ was present. █████ did not observe the officers stand █████ up or put him in the van. █████ initially stated that the officers “kicked his █████ ass,” but did not describe observing any force used against █████

After the three to four minute period, █████ walked away from the location. He did not observe PO1 and PO2 ever walk over to PO3 and PO4. █████ knew that █████ was not arrested because he spoke to him on the telephone later that day and also saw him on the street. █████ called █████ phone after the incident, but she did not answer. Approximately one hour after the incident, █████ called █████ asked what had happened. █████ told █████ that the officers were trying to get something from him. When █████ asked what the officers were trying to get, █████ told him that he had seen some people in the projects before the incident and told others that these people were officers. █████ also told █████ that he had gone to the hospital following the incident. █████ did not tell █████ what part of his body was injured. █████ observed █████ walking with a cane after the date of the incident.

█████ stated that █████ might have been present during the incident, but he was not sure.

Interview Details

February 10, 2015
201412317
Det. Ramon Rosario
10:43 a.m. – 11:06 a.m.

- Det. Rosario, a Hispanic man who is 5'7" tall, 162 pounds, with salt and pepper hair and brown eyes, was 40 years old at the time of the incident.
- Det. Rosario worked from 11:27 a.m. to 8:00 p.m., in the apprehension vehicle with Det. Alvarez for the Narcotics Borough Manhattan North. He was also working with Det. White and the 24th Precinct Field Team. Det. Rosario was dressed in plainclothes and assigned to vehicle number [REDACTED] a gray minivan.

Memo Book

1510: 1 M stopped drug sales Artilles obs [REDACTED].
1515: Void arrest
Det. Rosario also had information pertaining to the incident on the fly sheet of his memo book.
Male stopped 16:25 [REDACTED]

CCRB Statement

Det. Ramon Rosario was interviewed at the CCRB on February 10, 2015.

On December 10, 2014, at approximately 3:10 p.m., Det. Rosario was seated inside his chase car/apprehension vehicle in the vicinity of [REDACTED] in Manhattan. Det. Rosario's shield was prominently displayed. At that time of day, the lighting conditions were good. The sun had not set and there was natural lighting on the street. Det. Rosario did not recall whether it was cloudy. Det. Artilles, another member of the Narcotics Borough Manhattan North, used his radio to make several radio transmissions to the field team. Det. Rosario did not recall what information was put across in the first radio transmission. He believed that Det. Artilles stated that he was watching a black male, known to the CCRB as [REDACTED] and a Hispanic male, known to the CCRB as [REDACTED] in the vicinity of [REDACTED]. Det. Rosario's vehicle was not in view of Det. Artilles.

Det. Artilles provided a description of the clothing the two men were wearing, but Det. Rosario did not recall what it was. Det. Artilles stated that the two males appeared to be engaging in a drug transaction. Det. Rosario did not recall if Det. Artilles gave a description of what he observed or why he believed that the two males were engaging in a drug transaction.

Det. Artilles specified that [REDACTED] was the buyer and that [REDACTED] was the seller. Det. Rosario did not recall if Det. Artilles stated that he observed [REDACTED] putting anything in his pockets or holding onto any possible contraband. Det. Artilles stated that the two males were walking northbound and that [REDACTED] was located on the southeast corner of [REDACTED]. Det. Rosario did not recall if [REDACTED] was noted to be stationary or moving. Det. Artilles was making observations of [REDACTED] and [REDACTED] for approximately five minutes. Although Det. Artilles put over multiple radio transmissions, Det. Rosario did not recall any transmissions between the initial description and when Det. Artilles directed detectives to stop [REDACTED]. Det. Artilles asked whoever was in the vicinity to stop [REDACTED]. Det. Rosario responded that he was there and would go.

At that point, Det. Rosario and Det. Alvarez exited the vehicle and were in the vicinity of [REDACTED]. Det. Rosario exited his vehicle in response to Det. Artilles' transmission, in preparation to stop [REDACTED]. Det. Rosario's intent was to stop [REDACTED] and place him in handcuffs. Det. Rosario considered [REDACTED] to be under arrest from the point when Det. Artilles made his first radio transmission [Earlier in the interview, Det. Rosario stated that he considered [REDACTED] to be under arrest when Det. Rosario placed the handcuffs on [REDACTED] and [REDACTED] became in his custody]. Det. Rosario and Det. Alvarez walked together to [REDACTED].

When they arrived, Det. Rosario observed an individual who matched the description Det. Artilles had put over the radio, of a Hispanic male, approximately 6'0" tall, weighing 200 pounds [Det. Rosario later stated the description was of a Hispanic male, approximately 6'2" tall, weighing 220 pounds]. [REDACTED] was congregating and engaging in conversation with an unidentified Hispanic male and an unidentified Hispanic female. Det. Rosario did not recall whether he observed [REDACTED] make physical

Interview Details

contact with either the unidentified Hispanic male or unidentified Hispanic female. The unidentified Hispanic male and unidentified Hispanic female remained in the vicinity, but not the immediate area, throughout the encounter. Det. Rosario did not recall whether the unidentified Hispanic male or unidentified Hispanic female made any statements, became involved, or attempted to interfere during the encounter. Det. Rosario did not recall whether any other individuals, passing by or in the vicinity, made any statements, became involved, or attempted to interfere during the encounter.

Det. Rosario did observe any bulges or anything on [REDACTED] person that made Det. Rosario suspicious. Det. Rosario did not observe anything in the vicinity of [REDACTED] waistband or in any of his pockets. Det. Rosario did not have any indication that [REDACTED] had a weapon on him. Det. Rosario did not have any independent indication that [REDACTED] had narcotics on him, although he had an indication that [REDACTED] did have narcotics on him, based on Det. Artilles' observation. Det. Rosario did not observe anything on [REDACTED] person that appeared to be narcotics.

Det. Rosario identified himself as the police and told [REDACTED] that he was going to be placed in handcuffs. Det. Rosario explained that, because [REDACTED] was a much larger man, for Det. Rosario's safety and [REDACTED] safety, Det. Rosario was going to place him in handcuffs. [REDACTED] was compliant and told Det. Rosario to do whatever he needed, as [REDACTED] was not doing anything and was just hanging out. Det. Alvarez did not make any statements. Only Det. Rosario spoke to [REDACTED]. Det. Rosario placed [REDACTED] in handcuffs. As soon as [REDACTED] was in handcuffs, Det. Alvarez walked away. Det. Rosario assumed it was because the situation was under control. Det. Alvarez did not state where he was going. Det. Rosario assumed that Det. Alvarez was going to help Det. Artilles. Det. Alvarez's interaction with [REDACTED] was brief and lasted approximately ten seconds before he left the location.

Det. Rosario told [REDACTED] in sum and substance, that he was under investigation for the purchase of narcotics. [REDACTED] stated that he was not involved in narcotics and that he had been let out of prison and had not touched drugs since then. Det. Rosario frisked [REDACTED]. He did so by patting down all the "grabbable and lungeable" areas of [REDACTED] body, including his waistband, legs, and upper chest. Det. Rosario did not find anything as a result of the frisk. Det. Rosario did not find anything on [REDACTED] person that appeared to be a weapon or narcotics. Det. Rosario did not find any bulges on [REDACTED] person during the frisk. Det. Rosario considered [REDACTED] to be under arrest that point based on the observations Det. Artilles had transmitted over the radio, not due to any personal observations.

Det. Rosario then searched [REDACTED]. The intent behind the search was to perform a quick field search to make sure that nothing happened when Mr. Rosario was transported. Det. Rosario searched [REDACTED] by going into his jacket pockets. Det. Rosario believed that he also searched [REDACTED] front pant pockets for any contraband or anything that might have been dangerous to Det. Rosario's safety. Det. Rosario did not find anything on [REDACTED] person during the search.

Following the frisk and search of [REDACTED] Det. Rosario made small talk with [REDACTED] who was still in handcuffs. [REDACTED] was still under arrest at that point, despite Det. Rosario not having found anything on his person, because of the observations Det. Artilles had transmitted over the radio.

Within five minutes of Det. Rosario initially approaching [REDACTED] Det. Artilles made another radio transmission and stated that there was not enough information to make an arrest and to perform a voided arrest. By this, Det. Artilles meant that he could not piece together the investigation that he had been conducting. Det. Rosario told Det. Artilles that there had been negative results for contraband when he searched [REDACTED]. Det. Rosario did not recall exactly what Det. Artilles stated but that, in sum and substance, there was "not enough." Det. Artilles directed Det. Rosario to release [REDACTED]. Det. Artilles did not state that he was making that statement under the authority of a supervisor. Det. Rosario did not ask any questions.

Det. Rosario took the handcuffs off [REDACTED] who was no longer under arrest. Det. Rosario did not recall when he took down [REDACTED] pedigree information, but believed that it was after [REDACTED] had been released. Because Det. Rosario and [REDACTED] were on the street with two other individuals there, Det. Rosario would not have been writing something down while [REDACTED] was still in handcuffs. No one else from Det. Rosario's team came to assist him and Det. Rosario never radioed for assistance. From the point when Det. Rosario approached [REDACTED] to when he released him, the entire encounter lasted approximately five minutes.

Interview Details

After removing the handcuffs from [REDACTED] Det. Rosario walked back to his vehicle, located in the vicinity of [REDACTED] [REDACTED] [REDACTED] As he returned to his vehicle, Det. Rosario never encountered [REDACTED] or saw what was occurring between [REDACTED] and Det. Artiles

Det. Rosario noted that there was a supervising lieutenant on scene. Once Det. Rosario reached [REDACTED] and began interacting with him, he stopped listening to the radio, as his focus was on placing [REDACTED] in handcuffs. The lieutenant might have gone over the radio or issued instructions to Det. Rosario, but he did not recall what was said. Det. Rosario did not know the lieutenant's location at the scene, as he never went over to Det. Rosario and [REDACTED]

Det. Rosario never used force against [REDACTED] or [REDACTED] Det. Rosario did not observe any officer use force against [REDACTED] or [REDACTED] Det. Rosario did not refuse to provide his name and shield number to [REDACTED] or [REDACTED] Det. Rosario did not hear any officer refused to provide their name or shield number. Det. Rosario did not observe any injuries on [REDACTED] [REDACTED] did not complain of any injuries or request medical attention from Det. Rosario. Det. Rosario was unaware of a UF 49 or any paperwork, besides his memo book and the voided arrest, being prepared. Det. Rosario noted that a UF 250 was not prepared because he considered [REDACTED] to be under arrest from the moment he exited his vehicle and approached in order to place [REDACTED] in handcuffs.

Interview Details

February 26, 2015
201412317
Det. Richard Alvarez
12:51 p.m. – 1:16 p.m.

- *Det. Alvarez, a Hispanic man who is 5'9" tall, 185 pounds, with black hair and brown eyes, was 42 years old at the time of the incident.*
- *Det. Alvarez worked from 12:00 p.m. to 8:00 p.m. on December 10, 2014, in the chase auto with Det. Rosario for the Narcotics Borough Manhattan North. Det. Alvarez was dressed in plainclothes and was assigned to an unmarked vehicle. He did not have the number, but noted that it was a Kia.*

Memo Book

Det. Alvarez did not have any memo book entries related to the incident.

CCRB Statement

Det. Richard Alvarez was interviewed at the CCRB on February 26, 2015.

On December 10, 2014 at approximately 5:00 p.m., Det. Alvarez was inside his vehicle, located on [REDACTED] with Det. Rosario. It was still daylight outside and the visibility was good. Det. Alvarez received a radio transmission from Det. Artiles, who said that he had seen something which was a drug transaction in the vicinity of [REDACTED]. Det. Artiles provided a description of a black male and what clothing he was wearing, but Det. Alvarez did not recall the clothing description. Det. Alvarez did not recall what specific information Det. Artiles put over the radio. Det. Alvarez did not recall if Det. Artiles said what he had specifically observed that made him believe there was a drug transaction occurring. Det. Alvarez did not recall if Det. Artiles provided a second transmission or how many transmissions he provided.

Det. Alvarez and Det. Rosario exited their vehicle. Det. Alvarez's intention in exiting the vehicle was to proceed with the investigation and wait for further instructions from Det. Artiles. Det. Alvarez was waiting for further information about the transaction. Det. Alvarez and Det. Rosario remained together for a period of seconds to minutes before separating. When they separated, Det. Rosario remained on the corner of [REDACTED]. Det. Alvarez observed from his position that Det. Artiles, who was on [REDACTED] needed assistance. Det. Alvarez first stated that Det. Artiles did not make an additional radio transmission, but then stated that he did not recall if Det. Artiles made an additional radio transmission. Det. Alvarez went to assist Det. Artiles.

Det. Alvarez arrived at the southwest corner of [REDACTED]. Det. Artiles was also located on the west side of [REDACTED] but towards the north section of [REDACTED]. [Det. Alvarez noted that there is a dead-end at that location, so Det. Artiles was not really on a corner]. Det. Alvarez could not estimate how far away he was from Det. Artiles, but two lanes of traffic separated them. Det. Alvarez observed Det. Artiles approach an individual, known to the CCRB as [REDACTED]. Det. Alvarez did not recall how close Det. Artiles was to [REDACTED]. Det. Alvarez did not recall how the two were positioned or if they were facing each other. Det. Alvarez could not hear any conversation between Det. Artiles and [REDACTED]. Det. Alvarez observed Det. Artiles and [REDACTED] for a few seconds before [REDACTED] began to run away from Det. Artiles.

[REDACTED] ran to the east side of [REDACTED]. Det. Alvarez did not recall if he observed any bulges on [REDACTED] person. Det. Alvarez did not recall if he observed anything that he believed could be a weapon on [REDACTED]. In response to [REDACTED] running, both Det. Alvarez and Det. Artiles began to run. Det. Alvarez did not recall if either he or Det. Artiles said anything to [REDACTED]. Det. Artiles caught up to [REDACTED] on the east side of [REDACTED]. Det. Alvarez did not recall how Det. Artiles stopped [REDACTED]. Det. Alvarez did not recall if Det. Artiles said something or made physical contact with [REDACTED]. Det. Alvarez did not recall if [REDACTED] was brought down to the ground.

By the time Det. Alvarez arrived where Det. Artiles and [REDACTED] were, Det. Artiles already had control of [REDACTED]. [REDACTED] was not in handcuffs. Det. Alvarez did not recall if Det. Artiles was making contact with [REDACTED] or holding onto him. [REDACTED] was agitated and saying things. Det. Alvarez did not recall what [REDACTED] was saying or if he was speaking loudly. Det. Artiles told [REDACTED] to put his hands behind his back but [REDACTED] did not. In order to place [REDACTED] in

Interview Details

handcuffs, Det. Alvarez had to grab [REDACTED] by the hands. Det. Alvarez believed he was holding onto one of [REDACTED] hands. Det. Alvarez helped Det. Artiles place [REDACTED] in handcuffs. Det. Alvarez did not recall who put the handcuffs on [REDACTED]. It took less than one minute for [REDACTED] to be placed in handcuffs. Once [REDACTED] was placed in handcuffs, Det. Alvarez considered him to be under investigation, not under arrest.

Det. Alvarez did not recall if [REDACTED] ever made any threatening statements towards him or Det. Artiles. When asked if [REDACTED] ever reached towards his waistband in a way that Det. Alvarez believed could indicate [REDACTED] had a weapon on him, Det. Alvarez repeated that [REDACTED] had refused to put his hands behind his back. Det. Alvarez never observed [REDACTED] with anything Det. Alvarez believed could be narcotics on him.

Once [REDACTED] had been placed in handcuffs, Det. Artiles told Det. Alvarez that [REDACTED] had thrown something as he was running away from Det. Artiles. Det. Alvarez did not personally observe [REDACTED] throw anything. Det. Alvarez did not recall if Det. Artiles provided any description of the object. Det. Alvarez looked in the street and on the sidewalk for the object, following the path [REDACTED] had taken from when Det. Artiles had approached him. During the search of the street, Det. Alvarez had Det. Artiles and [REDACTED] in his line of sight. Det. Alvarez did not recall any conversation between Det. Artiles and [REDACTED] during that time. Det. Alvarez did not recall if Det. Artiles searched for the object or remained with [REDACTED]. The search of the street took several minutes. Det. Alvarez did not recover anything during the search.

Det. Alvarez returned to Det. Artiles and told him that he had not found anything. [REDACTED] was released. Det. Alvarez did not recall who took the handcuffs off [REDACTED]. The whole encounter up to this point lasted between five and ten minutes. After [REDACTED] was released from the handcuffs, Det. Alvarez did not recall if there was any further conversation between the detectives and [REDACTED]. At no point during the encounter had Det. Alvarez personally considered [REDACTED] under arrest. Det. Alvarez initially stated that he did not recall if Det. Rosario or anyone else came over to assist the two detectives. However, he then stated that he believed Lt. Quiros came over to the two detectives. Det. Alvarez did not recall at what point Lt. Quiros came over. Det. Alvarez did not recall if Lt. Quiros ever gave the detectives instructions with regard to [REDACTED].

While this was occurring, Det. Rosario was on the corner of [REDACTED]. Det. Alvarez initially stated that he did not see what happening with Det. Rosario, but then stated that he observed Det. Rosario approach another individual, known to the CCRB as [REDACTED]. Det. Alvarez believed Det. Rosario engaged in conversation with [REDACTED] as he approached. Det. Alvarez did not recall if handcuffs were placed on [REDACTED]. Det. Alvarez did not observe Det. Rosario frisk or search [REDACTED]. Det. Alvarez did not recall if Det. Rosario made contact with [REDACTED].

Det. Alvarez did not recall if he and Det. Artiles or [REDACTED] left the location first. Det. Alvarez returned to the chase car. Det. Alvarez did not recall if Det. Artiles entered the same car. He believed Det. Rosario reentered the chase car. Det. Alvarez did not recall if Det. Rosario discussed stopping [REDACTED] when they met up again.

Det. Artiles provided a voided arrest for [REDACTED] who was not summonsed or arrested. A voided arrest was prepared rather than a Stop and Frisk report because [REDACTED] was placed in handcuffs. Det. Alvarez stated that, procedurally, it is the policy of the Police Department to prepare a voided arrest when an individual is detained and in handcuffs. Det. Alvarez did not know if any additional paperwork, such as a UF 49, was prepared.

Det. Alvarez did not observe any injuries on [REDACTED]. Det. Alvarez did not hear [REDACTED] complain of any injuries or request medical attention. Det. Alvarez did not recall if he frisked [REDACTED]. Det. Alvarez did not recall if Det. Artiles frisked [REDACTED]. Det. Alvarez did not recall if he searched [REDACTED]. Det. Alvarez did not recall if Det. Artiles searched [REDACTED].

Det. Alvarez was wearing his shield and it was visible. Det. Alvarez did not recall if [REDACTED] asked for his name or shield number. Det. Alvarez did not hear [REDACTED] ask Det. Artiles for his name or shield number. Det. Alvarez did not refuse to provide his name or shield number to [REDACTED]. Det. Alvarez did not hear any officer refuse to provide their name or shield number to [REDACTED]. Det. Alvarez did not recall if [REDACTED] had any direct interaction with any other officer at the location. To his knowledge, [REDACTED] did not request the name or shield number of any other officer at the location.

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The only physical force Det. Alvarez used to place [REDACTED] in handcuffs or to stop him from running was grabbing [REDACTED] hand. Det. Alvarez initially stated that he did not use any additional physical force against [REDACTED] but then stated that he did not recall if he used any additional physical force against [REDACTED]. Det. Alvarez initially stated that he did not recall if he observed Det. Artiles use any physical force against [REDACTED] but then stated that Det. Artiles did not.